

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Linda J. Matthews
139 W. Richardson Avenue
Langhorne, PA 19057

(b) County of Residence of First Listed Plaintiff Bucks

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

J. Davy Yockey, Flager & Yockey, P.C.
1210 Northbrook Drive, Suite 280
Trevose PA 19053

DEFENDANTS

Rare Hospitality International Inc., Darden Restaurants, Darden Restaurants of PA
Merger Corp. d/b/a Longhorn Steakhouse #5160 and GMRI Inc.
1000 Darden Center Drive, Orlando, FL 32867

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|---------------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC Section 1332

Brief description of cause:

Slip and Fall Accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/10/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**



CASE MANAGEMENT TRACK DESIGNATION FORM

Linda Matthews	:	CIVIL ACTION
	:	
v.	:	
	:	
Rare Hospitality International Inc., et al.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>1/10/13</u> Date	 Attorney-at-law	 Attorney for
<u>215 953-5200</u> Telephone	<u>215-953-5214</u> FAX Number	<u>DYOCKEY@FLAGCKYOCKEY.COM</u> E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 139 W. Richardson Avenue, Langhorne, PA 19047

Address of Defendant: 1000 Darden Center Drive, Orlando, FL 32867

Place of Accident, Incident or Transaction: Bensalem, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ✓ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) Slip and Fall

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/10/13



Attorney-at-Law

32815

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA J. MATTHEWS
139 W. Richardson Avenue
Langhorne, PA 19047

Plaintiff

v.

RARE HOSPITALITY INTERNATIONAL,
INC.

f/n/a LONGHORN STEAKS, INC., d/b/a
LONGHORN STEAKHOUSE #5160
1000 Darden Center Drive
Orlando, FL 32867

and

DARDEN RESTAURANTS d/b/a
LONGHORN STEAKHOUSE #5160
1000 Darden Center Drive
Orlando, FL 32867

and

DARDEN RESTAURANTS OF PA
MERGER CORP. d/b/a LONGHORN
STEAKHOUSE #5160
1000 Darden Center Drive
Orlando, FL 32867

and

GMRI, INC.
1000 Darden Center Drive
Orlando, FL 32867

Defendants

**COMPLAINT AND
ARBITRATION DEMAND**

NO.

Plaintiff, by and through her undersigned attorney, hereby brings the herein civil action for damages, and in support thereof avers as follows:

1. Plaintiff, Linda J. Matthews, is an adult individual residing at 139 W. Richardson Avenue, Langhorne, Pennsylvania and at all times material hereto is a citizen of the Commonwealth of Pennsylvania.

2. Defendant, Rare Hospitality International, Inc. f/n/a Longhorn Steaks, Inc., is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with a principal place of business located at 1000 Darden Center Drive, Orlando, Florida and at all times material hereto is the owner and/or operator of the Longhorn Steakhouse #5160 restaurant located at 100 Rockhill Drive, Bensalem, Pennsylvania and at all times relevant is a citizen of the State of Georgia.
3. Defendant, Darden Restaurants, is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with a principal place of business located at 1000 Darden Center Drive, Orlando, Florida and at all times material hereto is the owner and/or operator of the Longhorn Steakhouse #5160 restaurant located at 100 Rockhill Drive, Bensalem, Pennsylvania and at all times relevant is a citizen of the State of Delaware.
4. Defendant, Darden Restaurants of PA Merger Corp., is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with a principal place of business located at 1000 Darden Center Drive, Orlando, Florida and, at all times material hereto, is the owner and/or operator of the Longhorn Steakhouse #5160 restaurant located at 100 Rockhill Drive, Bensalem, Pennsylvania and at all times relevant is a citizen of the State of Delaware.
5. Defendant, GMRI, Inc. is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with a principal place of business located at 1000 Darden Center Drive, Orlando, Florida and, at all times material hereto, is the owner and/or operator of the Longhorn Steakhouse restaurant located at 100 Rockhill Drive, Bensalem, Pennsylvania and at all times relevant is a citizen of the State of Florida.

6. Jurisdiction over this action is based on 28 U.S.C. §1332, diversity of citizenship of the parties and the amount in controversy exceeds \$75,000.00.
7. At all times relevant, Defendants, by and through their agents, servants, workmen and/or employees were responsible for the design, maintenance, supervision and control of the premises known as "Longhorn Steakhouse #5160", located at 100 Rockhill Drive, Bensalem, Pennsylvania (hereinafter referred to as "premises").
8. On or about January 16, 2011, Plaintiff, Linda J. Matthews, was a business invitee traversing the Defendants' premises when she was caused to fall due to a dangerous step down condition within the premises. As a result of the aforesaid incident, Plaintiff suffered serious and permanent injuries which are hereinafter described.
9. At all times relevant hereto, the Defendants, by through their agents, servants, workmen and/or employees, had actual notice of the dangerous condition of the premises recited in the paragraph above, or, in the alternative, had by their own acts and/or omissions, created the dangerous and defective condition complained of, and are therefore deemed to have actual notice of the same.
10. The negligence and carelessness of the Defendants consisted of but is not limited to the following:
 - (a) failing to give Plaintiff proper and due notice of the dangerous condition existing on the premises under their care, supervision and maintenance;
 - (b) negligently inspecting the premises for conditions which posed a danger to its business patrons;
 - (c) failing to place warnings or adequate visual cues at the point of the incident to prevent the occurrence heretofore recited;

- (d) improper design and maintenance of the premises;
- (e) failing to provide adequate lighting;
- (f) failing to give Plaintiff proper and adequate protection to which she was entitled as a business invitee of the Defendants.

11. As a direct result of the aforesaid negligence and carelessness of the Defendants, Plaintiff sustained serious and painful injuries, including but not limited to: fractured wrist, injury to her back and damage to her bones, cells, muscles, tissues and nervous system, some or all of which may be permanent in nature.
12. As a further result, Plaintiff has been forced to expend various and diverse sums of money in an effort to treat and cure her injuries and ills and may be required to do so for an indefinite period of time into the future.
13. As a further result, Plaintiff has suffered in the past and may suffer in the future mental anguish, emotional suffering and other non-economic and economic losses.
14. As a further result, Plaintiff has suffered an interference with her usual duties, chores, life's pleasures and opportunities and may continue to suffer such interference in the future.

WHEREFORE, Plaintiff, LINDA J. MATTHEWS, demands judgment against ALL DEFENDANTS, jointly and severally, in an amount in excess of Seventy Five Thousand (\$75,000.00) Dollars, plus interest, costs of suit and delay damages.

FLAGER & YOCKEY, P.C.

BY: _____

J. DAVY YOCKEY
Attorney for Plaintiff